

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-26
DCI2014-0004 – Edison Beach House CPD Amendment

WHEREAS, Larry Yax, registered agent for First Central Investment Corp., owner of property located at 830 Estero Boulevard, Fort Myers Beach Florida has requested an amendment to the schedule of uses in the Edison Beach House CPD, to allow resort accessory uses; and

WHEREAS, the subject property is located in the Mixed Residential Future Land Use Category of the Comprehensive Plan of the Town of Fort Myers Beach; and

WHEREAS, the applicant has indicated that the STRAP for the subject property 24-46-23-W3-00400.0010 and the legal description is provided as follows:

Lot 1, Island Shores Unit 1 Subdivision, as recorded in Plat Book 9, Page 24, Public Records of Lee County, Florida; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on August 12, 2014, regarding the requested amendment; and

WHEREAS, the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the file, and the testimony of all interested persons, as required by the Fort Myers Beach Land Development Code Section 34-85; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on October 6, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, LPA Resolution 2014-011, the recommendation of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85; and

WHEREAS, the Town Council denied the request on October 6, 2014; and

WHEREAS, the applicant requested a rehearing during the Town Council meeting of October 20, 2014; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on November 3, 2014, at which time the Town Council reheard the case and gave full and complete consideration to the request of Applicant, LPA Resolution 2014-011, the recommendation of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-85.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The Town Council **DENIES** the request for an amendment to the schedule of uses in the Edison Beach House CPD, to allow resort accessory uses.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-85 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

- a) *Whether there exists an error or ambiguity which must be corrected.*
DENY
- b) *Whether there exist changed or changing conditions that make approval of the request appropriate.*
DENY
- c) *The impact of a proposed change on the intent of LDC Chapter 34.*
- d) *Whether the request is consistent with the goals, objectives, policies and intent, and with the densities, intensities, and general uses set forth in the Fort Myers Beach Comprehensive Plan.*
- e) *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*
- f) *Whether urban services are, or will be, available and adequate to serve a proposed land use change.*
- g) *Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.*
- h) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*
- i) *Whether the location of the request places an undue burden upon existing transportation and other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.*
- j) *For planned development rezonings, see § 34-216 for additional considerations (below):*
 - 1. *The proposed mix of uses is appropriate at the subject location.*
 - 2. *Sufficient safeguards to the public interest are provided by the recommended special conditions to the concept plan or by other applicable regulations.*
 - 3. *All recommended special conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*
 - 4. *The proposed use meets all specific requirements of the comprehensive plan that are relevant to the requested planned development.*

The foregoing Resolution was adopted by the Town Council upon a motion by Mayor Cereceda and seconded by Council Member Hosafros, and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Rexann Hosafros
Summer Stockton

AYE
AYE
AYE

Dan Andre, Vice Mayor
Alan Mandel

NAY
NAY

DULY PASSED AND ADOPTED THIS 3rd day of NOVEMBER, 2014.

By: _____

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: _____

Gray|Robinson
Town Attorney

ATTEST:

By: _____

Michelle Mayher
Town Clerk